

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC GARCIA,

Plaintiff,

v.

DIRECTOR OF NURSING, et al.,

Defendants.

Case No.: 2:24-cv-01489-RFB-BNW

ORDER

On August 12, 2024, pro se plaintiff Eric Garcia, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. ECF No. 1-1. But Plaintiff neither paid the \$405 filing fee nor applied to proceed *in forma pauperis*. See ECF No. 1. To proceed with this civil action, Plaintiff must either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis*. The Court will grant Plaintiff an extension of time to address the matter of the filing fee.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 It is therefore ordered that Plaintiff has **until August 28, 2024**, to either pay the full \$405
2 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
3 required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
4 completed financial certificate that is signed both by the inmate and the prison or jail official, and
5 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he
7 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the
8 case with the Court, under a new case number, when Plaintiff can file a complete application to
9 proceed *in forma pauperis* or pay the required filing fee.

10 The Clerk of the Court is directed to send plaintiff Eric Garcia the approved form
11 application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain
12 the complaint (ECF No. 1-1) but not file it at this time.

13 DATED: August 27, 2024
14

15
16 
17 _____
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28